

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7561

BILL NUMBER: SB 424

DATE PREPARED: Jan 8, 1999

BILL AMENDED:

SUBJECT: Sentencing.

FISCAL ANALYST: Susan Preble

PHONE NUMBER: 232-9867

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: This bill specifies that if the state seeks to have a person convicted of an offense sentenced to: (1) an increased penalty because the person was previously convicted of the offense; (2) an additional fixed term of imprisonment as a habitual offender; (3) life imprisonment without parole as a habitual offender; or (4) an additional fixed term of imprisonment as a habitual controlled substance offender, the court alone must conduct the sentencing hearing. (Current law provides that if a person is convicted in a jury trial, the jury must reconvene for the sentencing hearing.)

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will decrease local expenditures for juror per diem in cases where a jury would be reconvened for the sentencing hearing on a day subsequent to the conviction phase of a criminal felony jury trial. In these cases, because the bill eliminates the requirement to reconvene a jury for the sentencing phase, counties would not incur the juror per diem expense for a subsequent day.

Each juror is paid a \$15 per diem for appearing in court before the jury is impaneled, and a \$40 per diem for each day an impaneled juror is in actual attendance. There were 1,551 criminal felony jury trials in 1997. Local per diem expenditures for petit jurors totaled \$2.9M in 1997.

No data is available regarding the frequency with which individuals are convicted of an offense and sentenced to: (1) an increased penalty because the person was previously convicted of the offense; (2) an additional fixed term of imprisonment as a habitual offender; (3) life imprisonment without parole as a habitual offender; or (4) an additional fixed term of imprisonment as a habitual controlled substance

offender.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts

Information Sources: Judge Ernest Yelton, Clay Circuit Court, (812) 448-9036; Ron Miller, Division of State Court Administration, (317) 233-2778; 1997 Indiana Judicial Report, Vol. I; IC 33-19-1-4.